



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** Matt Lohr  
Commissioner  
Virginia Department of Agriculture and Consumer Services

Paul W. Rogers, Jr.  
President  
Virginia Board of Agriculture and Consumer Services

**From:** Steven P. Jack  
Assistant Attorney General

**Date:** July 24, 2012

**Subject:** Memorandum of Authority for Proposed Regulations concerning Thousand Cankers Disease Quarantine, 2 VAC 5-318 *et seq.*

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I reviewed the proposed regulations concerning the Thousand Cankers Disease Quarantine, 2 VAC 5-318-10 *et seq.*, by the Board for Agriculture and Consumer Services (hereinafter "Board"). In my view, as counsel to the Virginia Department of Agriculture and Consumer Services, the Board may adopt these regulations in accordance with § 3.2-703 of the *Code of Virginia*. The proposed regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law.

Further, the proposed regulations are exempt from the procedures required by the Virginia Administrative Process Act provided the Board follows the alternative procedures set forth in § 3.2-703 of the *Code of Virginia*.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed as a comment for or against the merits of the proposed regulations.